

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

vs.

KERRY ROADES,

Defendant.

Case No. 4:16-CR-528-4-AGF

MOTION FOR ORDER TO SHOW CAUSE

COMES NOW Plaintiff, the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Joshua M. Jones, Assistant United States Attorney for this District, and for its Motion for Order to Show Cause, states as follows:

1. On August 29, 2018, this Court entered its criminal judgment against Defendant in which it ordered him to pay \$50,802.30 in restitution, a \$20,000 fine, and a \$100.00 Special Assessment. As of the date of this pleading, Defendant still owes \$20,100.00.

2. The moment this Court entered the judgment, the United States obtained a lien on all of Defendant's property and rights to property. *See* 18 U.S.C. § 3613(c). The United States may enforce a judgment imposing a fine in accordance with the practices and procedures for the enforcement of a civil judgment under federal or state law. *See* 18 U.S.C. § 3613(a). As such, the United States is empowered to use the civil discovery rules in order to investigate and enforce criminal restitution judgments. *Id.*; *see also* 28 U.S.C. § 3001.

3. The United States has information that just prior to his sentencing, Defendant transferred all of his ownership interest in at least two companies—TK Equities, LLC, and Real BIZ, LLC—to his wife, Tricia Roades. If true, these transfers would be fraudulent under 28 U.S.C. § 3304. Moreover, the United States could take steps to seize the businesses' assets belonging to Defendant to pay the outstanding balance of the judgment.

4. In order to verify that Defendant made the transfers to his wife, the United States issued subpoenas pursuant to Fed. R. Civ. P. 45 to TK Equities, LLC, Real BIZ, LLC and Ms. Roades. The subpoenas sought, among other things, information about Defendant's ownership interest in the companies, whether he transferred any ownership interest, and when any such transfers occurred. The responses to the subpoenas were due no later than October 24, 2018. As of the date of this pleading, neither Ms. Roades nor the two companies have responded to the subpoenas.

5. The United States asks this Court to issue an order to TK Equities, LLC, Real BIZ, LLC, and Ms. Roades directing them to show cause why they have not timely responded to the subpoenas. According to the Missouri secretary of state, Ms. Roades is the registered agent for both TK Equities, LLC, and Real BIZ, LLC. If the Court does issue an order to show cause, the United States is willing to send a copy of the order via overnight mail, return receipt requested.

WHEREFORE, the United States prays this Court issue an order to show cause why Tricia Roades, TK Equities, LLC, and Real BIZ, LLC have not responded to the United States' subpoenas.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Joshua M. Jones
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Certificate of Service

The undersigned hereby certifies that on October 29, 2018, a copy of the foregoing was filed via this Court's CM/ECF system, and therefore served on all parties of record. Further, a copy of this motion was sent to the following parties via overnight mail, return receipt requested:

Ms. Tricia Raodes
4876 Romaine Spring Drive
Fenton, MO 63026

Real BIZ, LLC
c/o Tricia Roades, Registered Agent
4876 Romaine Spring Drive
Fenton, MO 63026

TK Equities, LLC
Real BIZ, LLC
c/o Tricia Roades, Registered Agent
4876 Romaine Spring Drive
Fenton, MO 63026

/s/ Joshua M. Jones
Assistant United States Attorney